

**UNITED STATES DISTRICT COURT**  
for the  
District of Nebraska

United States of America	)	
v.	)	
Jose Manuel Avalos-Banderas	)	Case No: 4:09CR3112
	)	USM No: 23065-047
Date of Original Judgment: 06/17/2010	)	
Date of Previous Amended Judgment: _____	)	Richard H. McWilliams
<i>(Use Date of Last Amended Judgment if Any)</i>	)	<i>Defendant's Attorney</i>

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of 365 months **is reduced to** 293 months.

*(Complete Parts I and II of Page 2 when motion is granted)*

The defendant shall not be released any earlier than November 1, 2015.

Except as otherwise provided, all provisions of the judgment dated 06/17/2010 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 02/05/2016

s/ Richard G. Kopf

*Judge's signature*

Effective Date: 11/01/2015  
*(if different from order date)*

Richard G. Kopf, Senior United States District Judge

*Printed name and title*

**This page contains information that should not be filed in court unless under seal.**  
**(Not for Public Disclosure)**

Jose Manuel Avalos-Banderas

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 4:09CR3112

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level:	<u>38</u>	Amended Total Offense Level:	<u>36</u>
Criminal History Category:	<u>III</u>	Criminal History Category:	<u>III</u>
Previous Guideline Range:	<u>292</u> to <u>365</u> months	Amended Guideline Range:	<u>235</u> to <u>293</u> months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

Filing nos. 126 and 133 are granted as provided herein.

I have carefully reviewed the well-written briefs and other materials submitted by the parties. I have chosen to reduce the defendant's sentence but only to the high end of the Amended Guideline Imprisonment Range because I remain convinced that the defendant is potentially a very dangerous person.